

No. 13-56203  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**CHARLES NICHOLS,**  
Appellant-Plaintiff,  
  
v.  
**EDMUND G. BROWN, Jr., in his official  
capacity as Governor of California,  
KAMALA D. HARRIS, Attorney General,  
in her official capacity as Attorney General  
of California, CITY OF REDONDO  
BEACH, CITY OF REDONDO BEACH  
POLICE DEPARTMENT, CITY OF  
REDONDO BEACH POLICE CHIEF  
JOSEPH LEONARDI, and DOES 1 to 10,**  
Respondents-Defendants.

On Appeal from the United States District Court for the Central  
District of California, Case No. 2-cv-11-09916-SJO-SS  
The Honorable S. James Otero, Judge

**RESPONSE OF KAMALA D. HARRIS TO MOTION OF CRPA  
FOUNDATION FOR LEAVE TO FILE AMICUS CURIAE  
BRIEF AND TO PARTICIPATE IN ORAL ARGUMENT**

KAMALA D. HARRIS  
Attorney General of California  
DOUGLAS J. WOODS  
Senior Assistant Attorney General  
MARK R. BECKINGTON  
Supervising Deputy Attorney General  
JONATHAN M. EISENBERG  
Deputy Attorney General  
State Bar No. 184162  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-6505  
Fax: (213) 897-1071  
Email: Jonathan.Eisenberg@doj.ca.gov  
*Attorneys for Respondent-Defendant  
Kamala D. Harris, California Attorney  
General*

Respondent Kamala D. Harris, California Attorney General (the “Attorney General”), submits the following response to the motion of CRPA Foundation (“CRPAF”) for leave to file a brief of amicus curiae and to participate in oral argument:

CRPAF, in its proffered amicus curiae brief, does not address the substantive issues of the present appeal. Instead, CRPAF makes two requests: one, that the appeal be stayed pending resolution of other appeals currently before the U.S. Court of Appeals, Ninth Circuit; and, two, that CRPAF be given the opportunity to file a further brief herein, following resolution of those other matters, as well as to present oral argument. The Attorney General opposes both requests, as explained below.

As to CRPAF’s request to stay the present appeal, CRPAF has failed to show any good cause for doing so. Although CRPAF asserts that other pending cases relate to the present case, CRPAF fails to explain why resolution of those proceedings will likely be dispositive of the present appeal, which concerns whether the district court abused its discretion in denying appellants’ motion for a preliminary injunction. *See* Brief of Resp. Harris at 12 (Sept. 4, 2013).

The Attorney General also opposes CRPAF’s request to file a subsequent brief on the merits following any possible stay. CRPAF elected not to brief any issue going to the merits within the time allotted for amicus curiae briefs, and that

time has now passed. Nothing in CRPAF's current presentation suggests that the organization is offering arguments with a particular bearing on the issues in this case not already covered by the parties, and there is no basis for granting CRPAF extraordinary relief from the ordinary briefing deadlines and a second chance to submit an amicus brief.

Dated: September 23, 2013

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DOUGLAS J. WOODS  
Senior Assistant Attorney General  
MARK R. BECKINGTON  
Supervising Deputy Attorney General

/s/  
JONATHAN M. EISENBERG  
Deputy Attorney General  
*Attorneys for Respondent-Defendant Kamala  
D. Harris, California Attorney General*